



**CITY OF NEWPORT BEACH
ENVIRONMENTAL QUALITY AFFAIRS
COMMITTEE**

AGENDA

MONDAY April 14, 2003

LOCATION: CITY COUNCIL CHAMBERS
7:00 p.m. 3300 Newport Boulevard

Roll Call

1. Minutes of March 17, 2003
2. Introduction of New Members
3. Report from Subcommittee on San Joaquin Reservoir DEIR (*Attachment*)
4. Discussion of City Public Information Function
5. Report from Membership Subcommittee
6. Report from EQAC Member on GPUC
7. Report from EQAC Members on GPAC
8. Report on LCP
9. Council Member Reports
10. Public Comments
11. Future Agenda Items

NEXT MEETING DATE:

May ?, 2003

LOCATION:

Police Dept Auditorium



CITY OF NEWPORT BEACH ENVIRONMENTAL QUALITY AFFAIRS COMMITTEE

Draft Minutes 03-17-03

Minutes of the Environmental Quality Affairs Citizens Advisory Committee held at the City Council Chambers, 3300 Newport Boulevard, on, March 17, 2003.

Members Present

Steve Bromberg, Mayor
Robert Hawkins, Chairperson
Barry Eaton, Vice Chairman
Laura Dietz
Carol Hoffman
Tom Hyans
Elaine Linhoff

Phillip Lugar
Jim Miller
Marge Pantzar
Nancy Raney
Cris Trapp
Jennifer Wynn

Staff Representatives

Sharon Wood, Assistant City Manager

Niki Kallikounis, Department Assistant

Members Not Present

Richard Nichols, Council member
Barry Allen
Gary Borquez
Gus Chabre

Ray Halowski
Richard Rivett
Louis Von Dyl
Christopher Welsh

The meeting was called to order at 7:05 p.m.

1. Minutes of February 24, 2003

Carol Hoffman **moved** to approve the minutes. Phillip Lugar seconded the **motion**. A correction was noted and accepted by the maker of the **motion**. **Motion** to approve the corrected minutes passes.

2. Introduction of New Members

Chairman Hawkins introduced Dolores Otting, appointed to District 7 and Thomas Eastmond, an at-large member for District 7.

3. IRWD San Joaquin Reservoir Presentation

Chairman Hawkins gave a brief background of the EIR and commented that the subcommittee will be issuing a report. Mike Hoolihan of IRWD gave a PowerPoint presentation on the San Joaquin Reservoir. Mr. Hoolihan talked about the project chronology, summary and benefits. He referred to each of EQAC's comments on the earlier Mitigated Negative Declaration and went into detail in explanation of actions they are taking because of the comments. Mr. Hoolihan entertained questions and answers after the presentation.

Because EQAC recently received the draft EIR and they have a limited time to offer comments, the next committee meeting date was changed to April 14th to be able to submit



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their comments to the IRWD. The committee asked Sharon Wood to request an extension of time to submit comments from IRWD.

4. Report from Subcommittee on Great Park

Barry Eaton reported that the subcommittee met with the City Attorney, Bob Burnham and it was decided that there would be no report at this time.

5. Meeting Location Discussion – Council Chambers or Police Department Auditorium or other

After a discussion of which meeting place would be preferred, Carol Hoffman **moved** to keep the meetings at the Police Department Auditorium with the exception of the April 14th meeting, which will be held at the City Council Chambers. Jennifer Winn seconded the **motion**. **Motion passes.**

6. Report from Membership Sub Committee

Marge Pantzar reported that the subcommittee met and discussed the applications received and which Council Members need to make appointments. Ms. Wood commented that the City Clerk would like all the committees to use the same application form for consistency.

Mayor Bromberg suggested that he would recommend to the Council that, after a diligent effort on the part of EQAC to find recruitments for the committee that are unsuccessful, that Council Members be able to pick from a pool for membership and draw from that pool, no matter which district the applicant is from. Discussion ensued, and the committee agreed that Mayor Bromberg make the recommendation.

7. Report on Staff Projects and appointment of Marina Park Subcommittee

Sharon Wood reported the following:

- The application for St. Andrews is in and staff is working on the environmental review.
- Expecting the St. Mark application at any time.
- The City Council approved an amended agreement between the City and Sutherland-Talla Hospitality for the Marinapark hotel proposal that would have the City prepare an Environmental Impact Report (EIR) for the project at the developer's expense. The City would take the EIR through their standard review process, EQAC, Planning Commission and City Council who would certify the EIR and then place the project on the ballot.
- South Coast Ship Yard on the Peninsula – proposal for residential and commercial mixed use. Application not complete.
- Proposal for 45 condominiums on 15th Street behind Hoag.



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Following are the volunteers for the Marinapark Subcommittee:

Barry Eaton
Cris Trapp

Thomas Eastmond
Nancy Raney

Dolores Otting
Tom Hyans

8. Report from EQAC Member on GPUC

- Barry Eaton reported GPUC recommended new appointments to GPAC, which the City Council approved;
- Recommended to the Council that the Planning Commission and Council consider either endorsing or adopting the Vision Statement;
- And the Scoping Subcommittee has completed its task and will be going back to GPUC next week.

9. Report from EQAC Members on GPAC

Phillip Lugar commented that GPAC will meet on March 24th.

10. Report on LCP

Mayor Bromberg reported that the LCP will not make the June 3rd deadline, because additional revisions were needed.

11. Council Member Reports

Mayor Bromberg reported the following:

- He met with the architects and members of the Development Committee of St. Marks Church, and the project will be submitted to the City.

12. Public Comments

Marge Pantzar extended her compliments on the construction of the parking structure at Hoag Hospital. She reported that the construction of the parking structure at Hoag Hospital has been well organized and the neighbors have not complained about noise.

13. Future Agenda Items

- IRWD San Joaquin Reservoir Subcommittee comments at next meeting.
- Report from Communications Subcommittee
- Presentation on Orange Coast River Park

Chairman Hawkins adjourned the meeting at 9:20 p.m.

M E M O R A N D U M

To: Environmental Quality Affairs Citizens Advisory Committee ("EQAC")
City of Newport Beach

From: Sub-committee on San Joaquin Reservoir Project;
Environmental Quality Affairs Citizens Advisory Committee
City of Newport Beach

Subject: IRWD DRAFT Environmental Impact Report on the San Joaquin Reservoir
Project (the "Project")

Date: April 7, 2003

Cc: Sharon Wood, Assistant City Manager for the City of Newport Beach

Thank you for the opportunity to comment on the Draft Environmental Impact Report ("DEIR") for the Irvine Ranch Water District's ("IRWD") San Joaquin Reservoir Project (the "Project").

First, we wish to thank Mr. Michael Hoolihan of IRWD who made an extensive presentation to EQAC at its March 24, 2003 meeting. In addition, EQAC and the subcommittee have had input from City staff including Patricia Temple, Planning Director and David Kiff, Assistant City Manager. We thank them for their input.

Second, we appreciate that IRWD has revised the earlier Draft Mitigated Negative Declaration for the Project and has attempted to address our comments in connection with that earlier document. However, we have remaining concerns. In addition to our earlier comments on the DMND for the earlier Project, which we incorporate herein as appropriate, we offer the following comments.

I. Executive Summary. This section begins with a discussion of historic use and ownership of the San Joaquin Reservoir. This section should include a statement of current ownership as well as any reservations in favor of former owners of the Reservoir.

II. Section 1: "Introduction:" Subsection 1.1 discusses the purpose of the DEIR. Among many discussed in this subsection, one purpose is omitted and should be included: as indicated in Appendix A, Judge McDonald required that IRWD prepare the DEIR rather than the DMND. This subsection should refer to this judgment.

III. Section 2: "Project Purpose and Objective:" This section begins with a recognition of the state's finite water resources. As discussed below and indicted in our earlier

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comments, this recognition must find its way into the DEIR's cumulative impacts discussion and analysis.

This section also discusses Project Objectives which include among others:

"Minimize the need for purchases of fresh water to meet non-potable water use and thereby meet state law mandates to reduce cumulative urban use demands on the state's freshwater supplies in order to maximize freshwater availability for wildlife needs and resource uses such as agriculture on a statewide basis."

This objective is unclear in that it refers to the use of "fresh water." As IRWD knows, many fresh water supplies are contaminated and have limited uses. Presumably, this section refers to potable but untreated water supplies. As indicated above and discussed below, the Project may also free up fresh water supplies aka potable water for urban uses. As indicated in our earlier comments and discussed below, such availability would be growth enhancing.

IV. Section 3: "Project Description:" The Project description is one of the key parts of any environmental document. As the County of Inyo Court noted long ago,

"Only through an accurate view of the project may affected outsiders and public decision-makers balance the proposal's benefit against its environmental cost, consider mitigation measures, assess the advantage of terminating the proposal (i.e., the 'no project' alternative) and weigh other alternatives in the balance. An accurate, stable and finite project description is the *sine qua non* of an informative and legally sufficient EIR."

County of Inyo v. City of Los Angeles (1977) 71 Cal. App. 3d 185, 199. In addition, the CEQA Guidelines section 15124 requires that an EIR describe the project "in a way that will be meaningful to the public, to the other reviewing agencies, and to the decision-makers." Discussion, Guidelines section 15124.

The Project description in the captioned DEIR is much improved from the earlier DMND. We offer the following in the hopes of improving the DEIR. First, as indicated in our comments on the DMND, the introductory section should include a discussion of IRWD's reclaimed water system capacity including the storage capacity of the system. The Project more than doubles the District's reclaimed water storage capacity. If so, then the DEIR should include a discussion of the rationale for the increase and its growth inducing impacts (see comments below).

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Second, Section 3.2.1.8 which discusses the "Nutrient Exchange Well" fails to specify the nature and depth of the exchange well, and the nature and character of any pipeline which will transport water produced by the well to another facility.

Third, the DMND contained a table regarding IRWD's projected water demands. This table, Table 2, was confusing. However, IRWD's water demands are important in understanding the nature, scope and impacts of the Project and its cumulative impacts, if any.

In our comments on the earlier DMND, we recommended use of precise terms and definite mitigation measures. The DEIR cures some of this. However, section 3.5.1 indicates that waste material and excess soil will be disposed of at an "approved location." As we indicated in our comments on the earlier DMND, an environmental document should contain mitigation measures with specific standards and benchmarks so that the public and the agency, in this case IRWD, may determine the effectiveness and implementation of any such mitigation measures. The DEIR should explain the transport and disposition of this material, and insure that such will not affect residences or businesses in the City of Newport Beach.

Section 3.5.3 discusses water quality features. As indicated above, the nitrate exchange well must be explained, and its features, e.g. pipelines, must be clearly described. In addition, section 3.5.3 includes a discussion of "gunite ditches surrounding the pump stations and disinfection facility." These ditches discharge into the storm drain system. Given that the disinfection facility includes chlorine in some form, which the DEIR recognizes is a "corrosive liquid," DEIR page 3-28, this section should discuss the possibility of chlorine discharges into the storm drain system and indicate the outfall of the storm drain system.

V. Section 4.0: "Environmental Analysis:" The environmental analysis forms the key element of the DEIR and discusses Project impacts on the environment.

A. Section 4.1: "Biological Resources:" This section discusses biological resources in and around the Project and any Project impacts on such resources. Figures 4.1-1a and 4.1-1b depict Project features including the Nutrient Exchange Well shown on 1a. However, Section 4.1 contains no discussion at all of this Project feature. The DEIR should include a discussion of the biological resources, if any, around the Exchange Well as well as propose mitigation for any Project impacts.

Section 4.1.3 discusses the Project impacts on biological resources and concludes that the Project will not have any significant impact on such resources. However, assuming that the analysis is correct, it fails to go far enough: the scope and level of the analysis are truncated to sites in and around the Project. Although the Project features include drains and the Exchange Well to limit seepage into the Upper Newport Bay aka Back Bay, the DEIR should include a discussion of whether the Project seepage may flow into the bay and what if any impacts would result.

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B. Section 4.2: "Visual Quality:" As indicated above and in the DEIR, the Project includes filling the reservoir, building various pump stations and the Exchange Well. The pump stations are all above grade; the DEIR recognizes that these structures could be seen from neighboring residences. The DEIR indicates that these impacts will be lessened by Project features including landscaping, color and style of the buildings, and lighting. The DEIR should describe and specify these features to ensure that the features or mitigation truly lessen the visual impacts.

C. Section 4.3: "Air Quality:" The DEIR recognizes that the Project may create substantial impacts on air quality in the area of the Project. However, the DEIR proposes Project features— a proposed reservoir aeration system and circulation improvements— which will alleviate any such impacts. The DEIR concludes:

"Based on IRWD's operational experience at IRWD's Sand Canyon and Rattlesnake reclaimed water reservoirs, implementation of the proposed water quality management practices discussed above would maintain water quality and reduce potential odors perceived by existing residences . . ."

DEIR, p. 4.3-13. Because the DEIR relies on IRWD's operational experience, the DEIR should discuss this experience in detail to ensure that the Project impacts and the proposed Project features will ensure no air quality impacts.

D. Section 4.4: "Groundwater/Surface Water Quality:" This section addresses groundwater and surface water resources. The DEIR indicates that groundwater in the vicinity of the Project is "relatively shallow" and at times forms "seeps and springs." However, the DEIR fails to provide any specifics regarding depth to groundwater from surface elevations. The DEIR states: "a significant quantity of water was observed seeping into a boring at approximate elevation 388 feet." This provides no specifics as to depth from ground surface.

Subsection 4.4.3.2 indicates that the Project will use the full storage capacity of the reservoir. See DEIR, page 4.4-7. Subsection 3.4.1 indicates that, although the total storage volume of the Reservoir is almost 2,900 acre feet ("AF") of water, the useable storage is almost 2,500 AF. DEIR, page 3-19. Subsection 4.4.3.2 indicates that, in April of each year, the Project may attempt to use the entire storage capacity of the Reservoir, 2,900 AF, in excess of the useable storage. DEIR, page 4.4-7. To the extent that the Project will store water in excess of the useable storage, the DEIR must explain the Project's mitigation measures to ensure that at full storage, the Reservoir will not flood neighboring properties and explain why the Project will require storage in excess of the useable storage of the Reservoir.

Further, this section discusses releases to surface water. It indicates that releases will not be employed except in emergencies. However, as indicated above, the Project will

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operate the Reservoir for maximum storage. Such storage levels may require substantial and frequent releases to surface water. The DEIR must explain the impacts of maximum storage on such releases and provide appropriate mitigation.

In addition, this subsection discusses maximum seepage from the Reservoir and historic seepage studies. Presumably, these historic studies used seepage from useable storage. However, the Project will exceed useable storage. The DEIR should explain seepage under the full storage program of the Project.

In addition, this subsection discusses water quality impacts of the Project. However, the quality numbers depend upon seepage. As indicated above, the Project's regime is full storage and the studies do not indicate whether seepage and water quality impacts depend upon full storage or useable storage.

Finally, the DEIR indicates that:

"The potential seepage of reservoir water could introduce nitrate (sic) into the groundwater. However, the groundwater is already poor quality and not suitable for potable water based on high concentrations of TDS, chloride, and sulfate."

The DEIR ignores that: (1) the Project may further degrade area groundwater quality; and (2) with additional chlorine, the Project's seepage may further exacerbate the chloride problems. The DEIR should explain such impacts and, if necessary, provide mitigation.

E. Section 4.5: "Public Safety, Health and Nuisance:" Subsection 4.5.2.2 indicates that the Reservoir has "experienced water quality problems resulting in the emergence of vectors." However, as indicated above, the DEIR proposes to operate the Reservoir in at maximum storage and in excess of historic operations. The DEIR should analyze the health and nuisance impacts of the Project including emergence of vectors at maximum storage capacity.

VI. Section 5: "Cumulative Effects aka Impacts:" The DEIR concentrates on the cumulative impacts of projects that may disrupt similar environmental resources in the area of the Reservoir and within the City of Newport Beach. However, our comments on the earlier DMND indicated that "the Project may have growth inducing impacts: increase in reclaimed capacity will free up substantial quantities of potable water." The DEIR makes no attempt to analyze and, if necessary, mitigate such impacts. The DEIR should be revised to address these issues.

Further, in Santa Clarita Organization for Planning the Environment v. County of Los Angeles (2003) 131 Cal. Rptr. 2d 186, the Court of Appeal held that the County's EIR should have addressed actual water available rather than paper water. Here, the problem is the

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reverse: the Project will free up substantial supplies of imported water which will become available for growth in IRWD as well as in the service area for the Metropolitan Water District of Southern California. The DEIR indicates that the Project will not be growth inducing because the saved potable water supplies will be used elsewhere outside IRWD and within the service area of MWD. However, this ignores the impact: freeing up supplies for MWD may result in increased growth. The DEIR ignores the growth inducing effects of the Project and of the freeing up of such supplies.

Further, in the March 31, 2003 Daily Pilot, page A-3, the City of Newport Beach and other area cities predicted that the Orange County Water District would reduce water supplies to the cities. If the Project frees up water supplies, then such supplies may be absorbed by areas with reductions including the City of Newport Beach. The DEIR should analyze such impacts and, if necessary, provide mitigation.

Also, in the March 29, 2003 Press-Enterprise which covers among other areas Corona, cities in the Inland Empire including Corona and Norco are converting irrigation from potable to reclaimed water supplies. The cities expect "to save their groundwater and imported water by using recycled water on several hundred acres of landscaping throughout their cities." As with the Project, this savings will require analysis for its growth inducing impacts.

In addition, as we earlier commented, the Project is one-half of the ultimate expansion of the IRWD's reclaimed or non-potable water system. As IRWD's Master Plan provided at the time of the DMND:

"Thus, an expansion of MWRP treatment capacity and the inclusion of SJR as a reclaimed water seasonal storage reservoir are the preferred reclaimed water supply solutions to increased system demands rather than using high quality groundwater resources in the reclaimed water system."

IRWD Water Resources Master Plan, Chapter 4, Page 4-12. Hence, the Project is part of the IRWD's reclaimed system expansion. As indicated above, the Project threatens to have growth inducing impacts. The most effective mitigation of such impacts is mitigation of the system expansion: operate the Sand Canyon Reservoir at lower levels than permitted by the NPDES Permit.

The Project and the expansion of MWRP constitute the ultimate expansion of the District's Non-Potable System. The cumulative impacts of the Project will include the full expansion of the District's Non-Potable Water System: the Project is a necessary condition for the expansion of MWRP. The additional storage is necessary for the MWRP expansion. Hence, the final environmental document must address the Project's cumulative impacts including the expansion of MWRP.

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VI. Conclusion Based upon the above comments, the DEIR requires supplemental data, discussion, analysis and related material.